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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,138	07/14/2003	Theophilos Athanassiou	G625	6061
7590 12/13/2004			EXAMINER	
Richard W. Goldstein 2071 Clove Road Staten Island, NY 10304			ROBINSON, MARK A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/619,138

Applicant(s)

ATHANASSIOU ET AL.

Examiner

Mark A. Robinson

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 3 is objected to because of the following informalities: "the plug" in lines 1-2 lacks antecedent basis, and "and" is misspelled in line 5. Appropriate correction is required.
2. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears that this claim was meant to depend from claim 5 and for the purposes of examination will be treated this way.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

Art Unit: 2872

out and distinctly claim the subject matter which applicant regards as the invention.

This claim states that both the front and rear surfaces of the safety mirror are oriented forwardly. It is unclear how both of these surfaces can be oriented in this manner.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pfeifer (US 2302952).

Pfeifer shows a safety mirror including a main housing(17) with a mirror plate at the front end and oriented forwardly, and a mounting arm(15) attached and extending from the rear of the housing for attachment to the vehicle. Note that "for attachment to a patrol car" and "for use when an officer is walking back to the patrol car..." are statements of intended use which do not further limit the present invention structurally.

Art Unit: 2872

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeifer (US 2302952) in view of Naylor (US 3235294).

Pfeifer does not show the housing to have a socket for accommodating a ball on the mounting arm (Pfeifer shows the reverse of this arrangement). However, the claimed arrangement is shown by Naylor. Note ball(40) and socket(56), threaded plug(26) which accommodates a central screw(60) extending through the open rear surface of the mounting arm(18) for fastening the plug in the receptacle(20). Note also that both Pfeifer and Naylor show a mounting arm flange for attachment to the vehicle door. It would have been obvious at the time of invention to use Naylor's ball and socket in place of Pfeifer's since such constitutes a mere reversal of the essential working parts of a device only requiring routine skill in the art. Note

Art Unit: 2872

also that use of Naylor's arrangement would allow for quick disassembly of the mirror device.

9. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeifer (US 2302952).

Pfeifer shows a safety mirror method, using a safety mirror including a main housing(17) with a mirror plate at the front end and oriented forwardly, and a mounting arm(15) attached and extending from the rear of the housing for attachment to the vehicle. Pfeifer does not teach attaching the mirror to a patrol car, positioning the patrol car behind a stopped vehicle, standing in front of the patrol car and facing the same while simultaneously watching the stopped vehicle and the oncoming traffic. However, it would have been obvious to the ordinarily skilled artisan at the time of invention to attach Pfeifer's mirror to a patrol car in order to enable forward viewing as taught by Pfeifer. The claimed method steps would be inherent when an officer in a patrol car so modified performs a routine traffic stop, with the officer noticing objects in the forward-facing mirror while facing the patrol car and oncoming traffic.

Art Unit: 2872

***Allowable Subject Matter***

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest the specific arrangement for the mounting plate with semi-spherical collar and recess as set forth in the combination of claim 5. Note that claim 6 is presumed to be allowable based upon dependence on claim 5.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor and Jitsumori show mirrors oriented in a forward direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the

Art Unit: 2872

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

12/9/04

  
MARK A. ROBINSON  
PRIMARY EXAMINER